

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yukitaka SHIMIZU et al.

Application No.: 10/565,853

Confirmation No.: 8106

Filed: January 26, 2006

Art Unit: N/A

For: ACCOUNTING SYSTEM, CONTENT
REPRODUCTION DEVICE, LICENSE
VENDING MACHINE, AND PROGRAM AND
RECORDING MEDIUM

Examiner: Not Yet Assigned

**STATEMENT OF SUBSTANCE OF INTERVIEW IN
ACCORDANCE WITH MPEP §713.04**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith a statement on the substance of the telephonic interview held on December 22, 2009 and a record of the telephone discussion with Supervisor Hewitt on February 4, 2010. The interviews noted herein were conducted by Raymond Cardillo.

The only matter discussed on December 22, 2009 was that the Examiner agreed to send a second final rejection with an updated restriction in accordance with 35 U.S.C. § 371.

This second final rejection was obtained from PAIR on February 3, 2010. Several problems with it were noted and a call was placed to Supervisor Hewitt on February 3, 2010. On February 4, 2010, Supervisor Hewitt returned the call and was informed that 1) in our view the new Action of February 3, 2010 should be addressed and not the amendment of March 24, 2009, 2) an improper new ground of rejection was presented as to claims 14, 16, 17, 20-23, 26, 27, 29, and 30 being rejected under 35 U.S.C. § 101, and 3) that claims 34 and 35 were not treated in the body of the action.

Supervisor Hewitt reviewed the new Action with Examiner Khalif and called us back to state that rather than withdrawing the Action dated February 3, 2010, a Supplemental Action would be promptly issued that would clarify that no claims were being rejected under 35 U.S.C. § 101. This Supplemental Action would otherwise substantially adopt the other rejections of the original August 6, 2009 Action with noted corrections. In this regard, an inadvertently omitted section of that Action would be incorporated in the Supplemental Action and reliance on "intended use" would be clarified.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 4, 2010

Respectfully submitted,

By 

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